

Volume 26, Number 20
Pages 1955-2068
October 15, 2001



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

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The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are cited in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

FROM THIS ANGLE

Thank you! And, your interest level, please?!

As you are aware, our new rulemaking manual, *Rulemaking 1-2-3, Missouri Style*, was presented on Thursday, October 11, 2001, at 2:00 p.m. in the Interpretive Center here at the Kirkpatrick State Information Center. Our Secretary of State, Matt Blunt, had planned to be here and present the manuals himself. However, the Navy had other plans for him and he was called to active duty on Tuesday, October 9th. We know you join with us in wishing Secretary Blunt the very best in this fulfillment of his commitment to the protection of our great nation and in wishing for his safe and speedy return to Missouri.

We hope you were able to be in attendance for the presentation of the manual and received your copy of the manual. If not, and you desire to have a copy, please stop by our office and pick up your copy. We are providing one per agency that files rules with our office until we see the need for additional copies. However, we are *very* anxious to get the manual in your hands and hope it will be of great assistance to you. Thanks for your patience -- this has been a **tremendous** undertaking by the Administrative Rules staff.

Now that the manual has been completely rewritten and is (or will soon be) in your hands, we are prepared to offer rulemaking classes . . . **if** you, our users, believe they are needed. Please call our office or send us an e-mail at rules@sosmail.state.mo.us and advise of your level of interest in this regard.

We are working

We are also working to provide you with an on-line version of the rulemaking manual. We hope this, too, will be of assistance to you. Watch our homepage at <http://mosl.sos.state.mo.us> for this new addition.

We are also talking to several vendors and working with our in-house IT department and hope to be able to offer you a searchable Code and Register in the not too distant future.

Did you know?

If you are in the midst of preparing proposed rules or rule revisions of any type and are uncertain exactly how to proceed — did you know that is our job? We are happy to review your rulemakings with you prior to the filing of the same. Just call the division and make an appointment with one of our editors. We will go over your questions and offer solutions to your problems. We find this makes the rulemaking process much smoother for all involved. We are here to help you.

Transmittal Sheet

If it would be of assistance to you to receive an electronic copy of the transmittal sheet, please let us know and we will be happy to e-mail the same to you for your use.

Please feel free to contact us if we can help you in any step of the rulemaking process.



Lynne C. Angle,
Director, Administrative Rules Division

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

EMERGENCY AMENDMENT

12 CSR 10-24.030 Hearings. The director proposes to amend sections (1), (6) and (9).

PURPOSE: This amendment reflects procedure changes in hearing requests and subpoena witnesses.

EMERGENCY STATEMENT: The director of revenue is required to conduct hearings, by telephone or in-person, to determine whether drivers have driven with a blood alcohol content over the legal limit and, if so, to withdraw driving privileges. Current regulation allows the driver to select an in-person hearing after a telephone hearing has already been scheduled. This results in a delay in the hearing process on nearly fifty percent (50%) of hearings. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the requirement to choose an in-person or telephone hearing at the time the request for hearing is made rather than after a telephone hearing has been scheduled. Allowing the person to choose the type of hearing at a later time delays the hearing process and allows drivers who pose a threat to public safety to retain driving

privileges for a longer period. Removing such drivers from the highways in the most expedient manner is a matter vital to public safety. The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the Missouri and United States Constitutions. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed September 20, 2001, effective September 30, 2001, expires March 28, 2002.

(1) Individuals shall make a written request for a review of the director's determination. **At the time of such request the individual must indicate whether the request is for an in-person hearing. If an in-person hearing is not requested the individual will be scheduled for a telephone hearing and will waive any further opportunity for in-person hearing.** The request must actually be filed with the department on or before the effective date of the suspension or revocation. The effective date shall be fifteen (15) days after the date of issuance of the notice of suspension if the notice is hand delivered or eighteen (18) days from the date of mailing if the notice of suspension is mailed from the department. If any request for a hearing is delivered by United States mail postage prepaid after the effective date of suspension or revocation, the date of the United States postmark stamped on the envelope shall be deemed to be the date of filing. The request shall be sent to: Missouri Department of Revenue, [Drivers License Bureau] Driver and Vehicle Services Bureau, P/.JO./ Box 3700, Jefferson City, MO 65105-3700. If the effective date falls on a Saturday, Sunday or legal holiday in this state, the request for hearing shall be considered timely if it is filed on the next succeeding day which is not a Saturday, Sunday or a legal holiday as specified in 12 CSR 10-24.340.

(6) *[Hearings will be scheduled and conducted by telephone unless a request for an in person hearing is made. Any request for an in-person hearing must be postmarked to the Department of Revenue no later than seven (7) days, not including weekends or holidays, from the date notice of telephonic hearing is mailed. If the hearing is in person, it shall be held in the county in which the arrest occurred.]* **Based upon the type of hearing requested by the individual in the written request for review the director will schedule a hearing.** The party arrested/stopped may be represented by an attorney during any telephonic or in-person hearing. Notice of the hearing, place, date and time shall be sent to the party arrested/stopped and to the attorney of record, if known, at the time of notice. Suspension or revocation shall be stayed until a final order is issued following the hearing. The hearing will be conducted by department examiners who are licensed to practice law in Missouri.

(9) At the hearing the party may present any facts which show the party was not driving a motor vehicle while the alcohol concentration in the person's blood exceeded the limits provided in section 302.505, RSMo. A party may subpoena witnesses **in accordance with the procedures of section 536.077, RSMo. A party may subpoena witnesses**, including the law enforcement officer or blood alcohol concentration analyzer to attend the hearing or participate in a telephonic hearing, by requesting a subpoena from the Department of Revenue *[prior to the hearing.]* **at least five (5) working days prior to the hearing. If a witness fails to appear or participate in the hearing, after proper service of the subpoena, the Department of Revenue will continue the hearing to enforce the subpoena including enforcement action as provided**

in section 536.077, RSMo. In the case of death or total incapacitation of the witness, where enforcement action is not feasible, the department may consider written testimony of the witness prepared at or near the time of the incident in lieu of the actual appearance of such witness and the party may make any objection or argument to such written testimony of the witness.

AUTHORITY: section 302.530, RSMo [Supp. 1997] 2000. Original rule filed Feb. 3, 1984, effective May 11, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed July 25, 2001. Emergency amendment filed Sept. 20, 2001, effective Sept. 30, 2001, expires March 28, 2002.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 19—Energy Assistance**

EMERGENCY AMENDMENT

13 CSR 40-19.020 Low Income Home Energy Assistance Program. The Division of Family Services proposes to amend section (3) to reflect changes made in income levels based on Federal poverty guidelines.

PURPOSE: The emergency amendment to this rule is being made to adjust the monthly income amounts on the LIHEAP Income Ranges Chart.

EMERGENCY STATEMENT: The division finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Amendment follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the Missouri and United States Constitutions and limits the scope of the Emergency Rule to the circumstances creating the emergency and requiring emergency procedure. An emergency amendment is necessary because of the planned implementation of the program in October, 2001. Postponing the date for acceptance of energy assistance applications will result in individuals having their utility service terminated. Termination of utility service can produce a health hazard, particularly to elderly and disabled individuals, since they are more susceptible to hypothermia.

The rule is necessary to preserve a compelling governmental interest requiring an early effective date in that the rule informs the public regarding income guidelines for receipt of assistance. The eligibility criteria for energy assistance changes each year based on poverty guidelines announced by the Federal government. It is essential for persons potentially eligible for low income home energy assistance to have timely information related to the income guidelines prior to the need for assistance. The procedure employed is fair to all interested parties concerned inasmuch as it equitably allocates energy assistance benefits based on household size and available resources. Emergency amendment filed September 21, 2001, effective October 1, 2001, expires March 29, 2002.

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of an LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household's food stamp file.

LIHEAP INCOME RANGES CHART

Monthly Income Amounts

<i>Household Size</i>	<i>Income Range</i>				
1	\$0-174	\$175-348	\$349-522	\$523-696	\$697-870
2	\$0-234	\$235-468	\$469-702	\$703-936	\$937-1,172
3	\$0-271	\$272-542	\$543-813	\$814-1,084	\$1,085-1,356
4	\$0-326	\$327-652	\$653-978	\$979-1,304	\$1,305-1,634
5	\$0-382	\$383-764	\$765-1,146	\$1,147-1,528	\$1,529-1,912
6	\$0-438	\$439-876	\$877-1,314	\$1,315-1,752	\$1,753-2,190
7	\$0-493	\$494-986	\$987-1,479	\$1,480-1,972	\$1,973-2,468
8	\$0-549	\$550-1,098	\$1,099-1,647	\$1,648-2,196	\$2,197-2,746
9	\$0-604	\$605-1,208	\$1,209-1,812	\$1,813-2,416	\$2,417-3,024
10	\$0-660	\$661-1,320	\$1,321-1,980	\$1,981-2,640	\$2,641-3,301
11	\$0-715	\$716-1,430	\$1,431-2,145	\$2,146-2,860	\$2,861-3,579
12	\$0-771	\$772-1,542	\$1,543-2,313	\$2,314-3,084	\$3,085-3,857
13	\$0-827	\$828-1,654	\$1,655-2,481	\$2,482-3,308	\$3,309-4,135
14	\$0-882	\$883-1,764	\$1,765-2,646	\$2,647-3,528	\$3,529-4,413
15	\$0-938	\$939-1,876	\$1,877-2,814	\$2,815-3,752	\$3,753-4,691
16	\$0-993	\$994-1,986	\$1,987-2,979	\$2,980-3,972	\$3,973-4,969
17	\$0-1,049	\$1,050-2,100	\$2,101-3,149	\$3,150-4,198	\$4,199-5,247
18	\$0-1,105	\$1,106-2,210	\$2,211-3,315	\$3,316-4,420	\$4,421-5,525
19	\$0-1,160	\$1,161-2,320	\$2,321-3,480	\$3,481-4,640	\$4,641-5,803
20	\$0-1,216	\$1,217-2,432	\$2,433-3,648	\$3,649-4,864	\$4,865-6,081]

LIHEAP INCOME RANGES CHART

Monthly Income Amounts

Household Size	Income Range				
1	\$0-179	\$180-359	\$360-539	\$540-719	\$720-895
2	\$0-242	\$243-485	\$486-728	\$729-971	\$972-1,209
3	\$0-280	\$281-561	\$562-842	\$843-1,123	\$1,124-1,402
4	\$0-338	\$339-677	\$678-1,016	\$1,017-1,355	\$1,356-1,692
5	\$0-396	\$397-793	\$794-1,190	\$1,191-1,587	\$1,588-1,981
6	\$0-454	\$455-909	\$910-1,364	\$1,365-1,819	\$1,820-2,270
7	\$0-512	\$513-1,025	\$1,026-1,538	\$1,539-2,051	\$2,052-2,560
8	\$0-570	\$571-1,141	\$1,142-1,713	\$1,714-2,284	\$2,285-2,849
9	\$0-628	\$629-1,257	\$1,258-1,886	\$1,887-2,515	\$2,516-3,139
10	\$0-686	\$687-1,373	\$1,374-2,060	\$2,061-2,747	\$2,748-3,428
11	\$0-743	\$744-1,487	\$1,488-2,231	\$2,232-2,975	\$2,976-3,717
12	\$0-801	\$802-1,603	\$1,604-2,405	\$2,406-3,207	\$3,208-4,007
13	\$0-859	\$860-1,718	\$1,719-2,578	\$2,579-3,438	\$3,439-4,296
14	\$0-917	\$918-1,834	\$1,835-2,752	\$2,753-3,670	\$3,671-4,586
15	\$0-975	\$976-1,950	\$1,951-2,926	\$2,927-3,902	\$3,903-4,875
16	\$0-1,033	\$1,034-2,066	\$2,067-3,100	\$3,101-4,134	\$4,135-5,165
17	\$0-1,091	\$1,092-2,182	\$2,183-3,274	\$3,275-4,366	\$4,367-5,454
18	\$0-1,149	\$1,150-2,298	\$2,299-3,448	\$3,449-4,598	\$4,599-5,743
19	\$0-1,207	\$1,208-2,414	\$2,415-3,622	\$3,623-4,830	\$4,831-6,033
20	\$0-1,264	\$1,265-2,528	\$2,529-3,793	\$3,794-5,058	\$5,059-6,322

AUTHORITY: section 207.020, RSMo [1994] 2000. Emergency rule filed Nov. 26, 1980, effective Dec. 6., 1980, expired March 11, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Sept. 21, 2001, effective Oct. 1, 2001, expires March 29, 2002. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 13—Rules for the Establishment of a Missouri
No-Call Database

EMERGENCY AMENDMENT

15 CSR 60-13.060 Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database. The attorney general is amending subsection (1)(B).

PURPOSE: This amendment to 15 CSR 60-13.060(1)(B) increases the amount persons or entities desiring to access the no call database will pay for access to the whole database from twenty-five dollars (\$25) per quarter to twenty-five dollars (\$25) per quarter for each Missouri area code. But, the amendment also allows persons or entities desiring to access only certain parts of the no-call database, by area code, to do so by paying the prescribed fee. Finally, the amendment clarifies that the copy the Attorney General will provide them will be on computer disk, and it corrects a syntactical error.

EMERGENCY STATEMENT: This amendment increases the amount persons or entities desiring to access the no-call database will pay for a copy on disk. Because of the overwhelming popularity of the no-call database, the Attorney General's Office has incurred expenses to design, staff, and maintain the no-call database greater than anyone could have anticipated. Missourians have signed up to place their residential phone numbers on the no-call database in numbers which far exceed the experience of any other state of comparable size, particularly, Tennessee. So far, the database contains over 804,159 numbers protecting over 2 million Missourians from unwanted and intrusive telephone solicitations. Missouri is a no fee state, meaning that persons registering their phone numbers with the Attorney General to be placed on the no-call database do so at no charge. The costs of the database are born by persons or entities desiring to make telephone solicitations that are compliant with the provisions of sections 407.1095 to 407.1113, RSMo 2000, as amended. Because of the need to maintain the no-call database without any gap in service to Missourians who have signed up for it, the Attorney General finds a compelling governmental interest exists that requires an early effective date for this amendment as permitted pursuant to section 536.025 RSMo, (2000). Additionally, small Missouri businesses who conduct telephone solicitations lawfully in compliance with sections 407.1095 to 407.1113, in their local areas only, have expressed their concern to the Attorney General's Office that their computer systems are incapable of handling the mammoth size of the full no-call database. The Attorney General believes it is a compelling government interest to facilitate the on-going compliance with sections 407.1095 to 407.1113 by Missouri businesses. Doing so benefits both the businesses and the over 2 million Missourians protected from unlawful telephone solicitations. The Attorney General has followed procedures calculated to assure fairness to all interested persons and parties under the circumstances. The persons or enti-

ties who have already paid for future editions of the no-call database will not have to supplement those payments. This amendment complies with the protections extended by the *Missouri and United States Constitutions*. The scope of this amendment is limited to the cost of purchasing a computer disk copy of the no-call database. Emergency amendment filed September 14, 2001, effective October 1, 2001, expires March 29, 2002.

(1) A person or entity desiring to make telephone solicitations to residential subscribers residing or living in Missouri may obtain a copy of the no-call database for his, her or its lawful use, or for the lawful use by his, her or its employees, or for the lawful use by his, her or its independent contractors for use in their business, so long as the independent contractor is regularly associated with the person or entity and is engaged in the same or related type of business as the person or entity, by doing the following:

(B) Submitting the signed confidentiality agreement along with payment in *[the]* an amount *[of]* equal to twenty-five dollars (\$25) per quarter for each Missouri area code to the Attorney General's Office *[of]* for providing *[the]* a computer disk copy of the no-call database. Those persons or entities desiring to obtain access to only part of the no-call database may do so by submitting the signed confidentiality agreement along with a request designating by area code the portion or portions of the no-call database they desire and providing payment in the amount of twenty-five dollars (\$25) per quarter per area code to the Attorney General's Office for providing a computer disk copy of the requested portion of the no-call database.

AUTHORITY: section 407.1101, RSMo 2000. Original rule filed Sept. 28, 2000, effective March 30, 2001. Amended: Filed Feb. 28, 2001, effective Aug. 30, 2001. Emergency amendment filed Sept. 14, 2001, effective Oct. 1, 2001, expires March 29, 2002. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.